

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL KRAUSE,

Petitioner,

v.

TARA KRAUSE,

Respondent.

Case No. 1: 21-cv-01706-JLT-SAB

ORDER SETTING BRIEFING SCHEDULE
ON PETITIONER'S MOTION *IN LIMINE*
AND MOTION FOR TEMPORARY
RESTRAINING ORDER

(ECF Nos. 41, 45)

This action proceeds on Petitioner Michael Krause's ("Petitioner") verified petition for the return of children to Petitioner (ECF No. 1), brought pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act, Pub. L. No. 100-300, 102 Stat. 437 (1988) (codified as amended at 22 U.S.C. §§ 9001 et seq.), which implements the Convention. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (ECF No. 17.)

Pursuant to the matters discussed at a status hearing held on March 30, 2022, on March 31, 2022, the Court issued an order setting the final briefing and evidentiary hearing schedule in this matter. (ECF Nos. 37, 38.) The order did not set any deadlines or hearing dates for motions *in limine*, although at the hearing, the Court did notify the parties that any then outstanding evidentiary disputes, such as the outstanding objections to respondent's request for judicial

1 notice, should be addressed in the final pretrial briefing due May 18, 2022, and that such issues
2 would be dealt with at the time of the evidentiary hearing set to begin on May 25, 2022.

3 On May 11, 2022, Petitioner file a motion *in limine* to exclude certain of Respondent's
4 proffered exhibits, on the basis that such exhibits should be excluded pursuant to Federal Rule of
5 Evidence 408. Petitioner set the motion for hearing on May 18, 2022. The Court is willing to
6 hear the motion on an expedited basis and before the evidentiary hearing. The Court shall set a
7 briefing schedule on the motion and keep the hearing on calendar. However, the Court shall also
8 consider any objection by Respondent to hearing such motion on May 18, 2022.

9 Additionally, on April 27, 2022, Petitioner filed what the Court will construe as a motion
10 requesting the Court to issue a temporary restraining order directing the return of the children to
11 Merced County and ordering Respondent to turn in the children's passports to the Court. (ECF
12 No. 41.) On April 29, 2022, the Court indicated it would decline to rule on the Petitioner's
13 request until Respondent had an opportunity to submit responsive briefing in accordance with the
14 Local Rules. (ECF No. 43 at 18.) To the extent the dispute that is the subject of the Petitioner's
15 motion for temporary restraining order is still outstanding between the parties, the Court shall
16 also set a further briefing schedule on the motion and hear any arguments concerning such
17 motion at the hearing on May 18, 2022.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. Respondent shall file any opposition to Petitioner's motion *in limine* (ECF No.
20 45) and motion for temporary restraining order (ECF No. 43) on or before 5:00
21 p.m. on Monday, May 16, 2022; and
22 2. Petitioner may file any reply on or before 5:00 p.m. on Tuesday, May 17, 2022.

23
24 IT IS SO ORDERED.

25 Dated: May 12, 2022


UNITED STATES MAGISTRATE JUDGE